

REMARKS

This application is amended in a manner to place the application in condition for allowance.

Claims 1-4, 6, 7, and 9-13 are amended. Claim 1 is amended to recite the features of claims 5 and 8, and claims 2-4, 6, 7, and 9-13 are amended as to form.

Claim 14 is new and is directed to the particular polyvinyl halide recited in claim 3.

Support for the amendments to the claims may be found, for example, at page 7, lines 5-11.

Claims 5 and 8 are canceled.

Claims 1-4, 6, 7, and 9-14 remain pending in the application.

The Official Action rejects claim 3 under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Specifically, the Official Action states that the phrase "in particular" renders the claim indefinite. Accordingly, "in particular" is deleted from claim 3, and claim 14 recites the polyvinyl chloride feature.

Therefore, the claim is definite, and withdrawal of the rejection is respectfully requested.

Claims 1, 2, and 4-13 are rejected under 35 USC §102(b) as being anticipated by HOGENBOOM et al. 5,035,111 ("HOGENBOOM"). This rejection is respectfully traversed.

HOGENBOOM is offered for teaching a woven fabric of a non-flammable impermeable/breathable layer comprising a composite core yarn that is fire-resistant comprising between 70% and 90% polyvinyl alcohol fibers and 10-30% polyacrylate.

However, HOGENBOOM fails to disclose or suggest that the core yarn is formed from high-tenacity thermostable fibers, and a coating associated around the core yarn is formed from other fibers.

Instead, HOGENBOOM discloses thermostable fibers, e.g., polyvinyl alcohol fibers, core spun with high-tenacity fibers, e.g., polyacrylate fibers. See, e.g., column 2, lines 4-10 and claim 1 of HOGENBOOM.

Thus, HOGENBOOM fails to anticipate claims 1, 2, 4, 6, 7, and 9-14.

HOGENBOOM also fails to render obvious claims 1, 2, 4, 6, 7 and 9-14, as HOGENBOOM is limited to core spinning filaments having low coefficients of friction, e.g., polyvinyl alcohol filaments, with filaments having high coefficients of friction, e.g., polyacrylate filaments.

Therefore, withdrawal of the rejection is respectfully requested.

Claim 3 is rejected under 35 USC §103(a) as being unpatentable over HOGENBOOM. This rejection is respectfully traversed.

As discussed above, HOGENBOOM fails to disclose or suggest the claimed yarn structure. HOGENBOOM also fails to disclose or suggest polyvinyl chloride as the flame retarding polymeric material.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 1-13 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as unpatentable over claims 1-14 of co-pending Application No. 10/522,804.

A terminal disclaimer with respect to Application No. 10/522,804 is filed along with this amendment, and withdrawal of the double patenting rejection is respectfully requested.

In view of the amendments to the claims and the foregoing remarks, the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.


Please charge the terminal disclaimer fee of \$130 to our credit card as set forth on the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- a terminal disclaimer